Declaration of Helen E. Golding WT Docket No. 07-97 August 31, 2007 Page 25 of 35

31. And, lastly, Qwest provides no evidence concerning either the availability or the suitability of cable telephony services for the needs of small to medium sized businesses. This is a critical market segment that is often overlooked, falling at the intersection of the residential and large enterprise customers. These customers have fewer intermodal options than residential customers and less likelihood of being offered any facilities-based competition than the largest enterprise customers. CLECs who seek to offer these customers a competitive choice are nearly always dependent on Qwest for their underlying facilities or services.

# Qwest's continued dominance with respect to the enterprise market

32. Qwest's case with respect to competition in the enterprise market is particularly weak and circumstantial. It makes much of the sophistication of enterprise customers; however, the sophistication of enterprise customers and their awareness of their competitive options cannot create any options that do not actually exist. Qwest also relies upon the popular but unproven notion that the enterprise market will always be the beneficiary of higher levels of competition than mass market service. Qwest's appeal to this popular misconception is directly contradicted by evidence that has been repeatedly brought to the Commission's attention by large business customers with regard to special access competition and both the unavailability and unsuitability

forbearance.

Declaration of Helen E. Golding WT Docket No. 07-97 August 31, 2007 Page 26 of 35

of cable facilities to meet enterprise customer needs. <sup>29</sup> Moreover, the competitive options available to enterprise customers have shrunk rather than expanded in recent years, with the industry consolidation represented by the acquisition of AT&T and MCl and the bankruptcy of several next-level competitors.

<sup>&</sup>lt;sup>29</sup> See, e.g., Comments of AdHoc Telecommunications Users Committee (Jan. 22, 2002) at 2-3, filed in Performance Measurements and Standards for Interstate Special Access Services, CC Docket Nos. 01-321, 00-51, 98-147, 96-98, 98-141, 96-149, 00-229, Notice of Proposed Rulemaking, 16 FCC Rcd 20896 (2001); Comments of AdHoc Telecommunications Users Committee (Mar. 1, 2002) at 14-17, filed in Review of Regulatory Requirements for Incumbent LEC Broadband Services; SBC Petition for Expedited Ruling That It Is Non-Dominant in its Provision of Advanced Services and for Forbearance From Dominant Carrier Regulation of These Services, CC Docket No. 01-337, Notice of Proposed Rulemaking, 16 FCC Rcd 22745 (2001); Reply Comments of AdHoc Telecommunications Users Committee (Jul. 1, 2002) at i, filed in Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities, CC Docket Nos. 02-33, 95-20, and 98-10, Notice of Proposed Rulemaking, 17 FCC Red 3019 (2002); Comments of AdHoc Telecommunications Users Committee (Dec. 2, 2002) at 5, filed in AT&T Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, RM No. 10593; Comments of AdHoc Telecommunications Users Committee (Jun. 30, 2003) at 6, filed in Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements, WC Docket No. 02-112, and 2000 Biennial Regulatory Review Separate Affiliate Requirements of Section 64.1903 of the Commission's Rules, CC Docket No. 00-175, Further Notice of Proposed Rulemaking, 18 FCC Rcd 10914 (2003); Reply Comments of AdHoc Telecommunications Users Committee (September 23, 2004) at 3-14, filed in Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area, WC Docket No. 04-223, Memorandum Opinion and Order, FCC 05-170 (rel. Dec. 2, 2005); Reply Comments of Ad Hoc Telecommunications Users Committee (May 10, 2005), filed in SBC Communications Inc. and AT&T Corp. Applications for Approval of Transfer of Control, WC Docket No. 05-65; Reply Comments of AdHoc Telecommunications Users Committee (May 24, 2005) at pp. 8-23, filed in *Qwest Communications Inc. and MCI*, Inc. Applications for Approval of Transfer of Control, WC Docket No. 05-75; Comments and Reply Comments of AdHoc Telecommunications Users Committee (June 13, 2005 and July 29, 2005), filed in Special Access Rates for Price Cap Local Exchange Carriers; AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, WC Docket No. 05-25, RM-10593, Order and Notice of Proposed Rulemaking, 20 FCC Red 1994 (2005); Comments of AdHoc Telecommunications Users Committee (February 22, 2006), filed in Petition of Qwest Communications International Inc. for Forbearance from Enforcement of the Commission's Dominant Carrier Rules as They Apply After Section 272 Sunset Pursuant To 47 U.S.C. § 160, WC Docket No. 05-333, Letter from Colleen Boothby, Counsel for Ad Hoc Telecommunications Users Committee, to Marlene Dortch, Secretary, FCC, WC Docket No. 04-440 (filed Mar. 16, 2006).

Declaration of Helen E. Golding WT Docket No. 07-97 August 31, 2007 Page 27 of 35

- 33. As with mass market services, a large amount of retail enterprise market competition being relied upon by Qwest as the basis for forbearance is dependent on Qwest's wholesale services. As with mass market service, Qwest again engages in a great deal of double-counting. For example, Qwest discusses competitive fiber, systems integrators, and special access as though they were three distinct forms of competition which, of course, they are not. Competitive fiber may well be a component of services provided by systems integrators. Both, however, are largely dependent on Qwest special access facilities which Qwest counts as a separate form of "competition."
- 34. The method used by Qwest to estimate enterprise customer lines served over special access on the basis of "voice grade equivalents" also tends to exaggerate the CLECs' competitive gains. The comparison of switched access lines to what are represented as "special access lines" is misleading because, whereas most switched access lines represent discrete physical subscriber loops running between the ILEC wire center and the customer's premises, each "special access line" is only a unit of bandwidth capacity expressed in DS-0 (i.e., 64 kbps) equivalents.

  Typically, special access involves a physical facility capable of carrying bandwidths ranging from a minimum of 24 voice grade equivalents (DS-1), 672 VGEs over a DS-3, up to as many as 129,024 VGEs (OC-192). However, prices do not vary proportionately with bandwidth capacity. For example, going from a single OC-3 line (2,016 VGEs) to an OC-12 (8,064 VGEs) increases the circuit capacity (which Qwest expresses as VGEs) by 300%, at as little as a 5% to 10% price

Declaration of Helen E. Golding

WT Docket No. 07-97 August 31, 2007

Page 28 of 35

increase. Because of this pricing, a CLEC would rationally choose to serve a customer that

required 2100 lines with an OC-12, leaving surplus (non-revenue-generating) circuit capacity

that Qwest would count as roughly 6,000 additional VGEs. Of course, special access is still a

Owest service, and the fact that CLECs use special access for even very high-capacity

connections to enterprise customers validates the conclusion that competitors are frequently

dependent upon Qwest and unable to justify the deployment of their own last-miles facilities

based on prevailing costs and revenue opportunities. Thus, it is hardly surprising that Integra has

reported that ILEC facilities were the only facilities present at almost 95% of the buildings it

surveyed during random customer service calls in the Phoenix, Minneapolis, and Seattle areas.<sup>30</sup>

35. With respect to intermodal alternatives, Brigham and Teitzel again lump mass market and

enterprise services together when, in reality, the intermodal alternatives available to enterprise

customers are different and in many respects more limited that for residential customers.

However, as with residential customers, when enterprise customers do employ new technologies,

it is typically to obtain complementary capabilities and not as a substitute for their extensive

wireline telecommunications requirements. Not surprisingly, Qwest does not allege that "cord

cutting" is occurring to any significant extent in the enterprise market and provides no evidence

that wireless service is responsible for any of the purported line losses attributed to business

customers.

<sup>30</sup> See, Declaration of Geoffrey Williams, Integra Telecom, Inc. at p. 2

Declaration of Helen E. Golding

WT Docket No. 07-97 August 31, 2007

Page 29 of 35

36. Qwest relies heavily on the "presence" of cable operator networks in the four MSAs as

evidence of competition in the enterprise market. Qwest's petition extracts "sound bites" from

the Omaha Forbearance Order and strings them together in an attempt to create the appearance

that the Commission had previously accepted the cable company's motivation to serve business

customers, together with the cable company's "scale and scope," as a basis for granting

forbearance. This is not and should not be the case.

37. Cable telephony is primarily a mass market service – relying on facilities deployed to

provide consumers at-home video services. Cable penetration has traditionally been reported

based on "homes passed." All that Qwest is able to say about competitive position of cable

companies with regard to serving business customers pertains to their *interest* in serving this

market. It comes from trade press or cableco promotional materials – sources that focus on

predictions and image-making, not factual descriptions. While cable companies may recognize

an attractive revenue opportunity in serving enterprise customers, the lack of existing facilities

means that they would need to make large expenditures to add such customers. In this regard,

cable companies have few if any advantages over other wireline CLECs and, in fact, some

significant disadvantages. Qwest provides no specific evidence whatsoever about the actual

extent of cable service to enterprise customers in any of the four MSAs because, unlike CLEC

data, it has no inside information to share, and it certainly provides no evidence to back up its

Declaration of Helen E. Golding WT Docket No. 07-97

August 31, 2007

Page 30 of 35

claim that the cable company in any of the four MSAs has a "nearly ubiquitous network and

therefore possesses 'the necessary facilities to provide enterprise services.'"<sup>31</sup>

38. In fact, even to the extent that it is credible, Qwest's evidence regarding cable's plans for

the business market cuts against its contention that cable companies pose an imminent

competitive threat. For example, with respect to the Denver and Minneapolis markets, Qwest

notes that Comcast's "target" is to capture 20% of the business market over the next five years.<sup>32</sup>

However realistic or unrealistic this "target" may be (a lot can happen in the telecommunications

industry in a five year period), this marketing projection strongly suggests that Comcast has

nowhere near this level of market penetration at present and is certainly not in possession of

"nearly ubiquitous" facilities capable of serving enterprise customers.

39. As alluded to earlier, it is probable that Owest will play up the recent decision with

respect to ACS in Anchorage, where the Commission pointed to significant competition from the

municipality's cable provider, GCI, in granting forbearance that extended to retail special access

services. However, the conditions in Anchorage are far from typical. As shown in Exhibit 1,

Anchorage has a highly compact urban area; its entire downtown business district covers roughly

one square mile (including park land, vacant lots, and a large municipal cemetery) out of the

<sup>31</sup> Qwest Denver Petition at p. 22 (fragment quoted from *Omaha Forbearance Order* at para, 66).

<sup>&</sup>lt;sup>32</sup> Brigham/Teitzel Denver and Minneapolis Declarations at para. 18; see also, Brigham/Teitzel Seattle Declaration at para. 16.

Declaration of Helen E. Golding WT Docket No. 07-97 August 31, 2007 Page 31 of 35

roughly 2,000-square mile area for the Anchorage municipality.<sup>33</sup> ACS's principal competitor – and apparently the only *facilities-based* competitor – in the enterprise market thus confronted a very limited build-out that involves considerably less investment and time to complete than would apply in any of the four Qwest MSAs. Moreover, even in Anchorage, it is instructive to recognize that the ILEC still confronts only *one* facilities-based competitor, notwithstanding the comparatively lower entry barrier involved in a network overbuild in Anchorage vis-à-vis the other, considerably larger and more geographically expansive markets for which Qwest seeks forbearance. In his separate statement, Commissioner McDowell expressly noted the unique conditions extant in Anchorage, and recognized that these may not prevail elsewhere:

The Anchorage, Alaska study area is a unique market, where the incumbent local exchange carrier, ACS, faces significant facilities-based competition from other carriers, primarily General Communication Inc. (GCI). For instance, GCI purportedly has over one-half of the exchange access market and 60 percent of the high-speed Internet market in Alaska. In addition, the geographic location of Anchorage contributes to the special characteristics of that market that are not duplicated in any other market in the country.

40. Thus, any conclusions that might apply to the cable company's or other facilities-based carriers' ability to extend facilities to serve non-residential customers (i.e., customers not already "passed" by a video system) within this extremely limited footprint are clearly inapplicable to

<sup>&</sup>lt;sup>33</sup> Exhibit 1 consists of two maps, one detailing land use in the downtown study area and the other showing downtown Anchorage within the context of the surrounding area. The maps were obtained from the web site of Municipality of Anchorage, Planning Department, at <a href="https://www.muni.org/planning/CBD\_CompPlanPHD\_Mar07.cfm">www.muni.org/planning/CBD\_CompPlanPHD\_Mar07.cfm</a> (accessed August 30, 2007).

Declaration of Helen E. Golding WT Docket No. 07-97

August 31, 2007

Page 32 of 35

Denver, Seattle, Minneapolis-St. Paul (which has two downtowns, in addition to significant

suburban business development), or Phoenix.

Qwest's descriptions of the "coverage" of competitor facilities are vague and largely

irrelevant

41. In various recent Commission proceedings, ILECs have produced maps purporting to

illustrate that their competitors have extensive facilities within a particular geographic area. In

the Triennial Review Proceeding, SBC's filing included maps that showed both CLEC fiber

routes and SBC special access connections into buildings in particular urban centers in its region.

Although intended by SBC as evidence of CLECs' competitive strength, ETI pointed out that

what the maps really demonstrated was how dependent most enterprise customers - and the

competitive carriers that serve them - were on SBC special access facilities. Even though SBC's

maps did not identify locations at which enterprise customers were obtaining service at retail

directly from SBC (thus presenting an inflated view of the CLEC fiber share), ETI was

nevertheless able to use the SBC maps to determine the relative use of CLEC fiber and SBC

special access by CLECs serving enterprise customers. This analysis, illustrated on the table

below, shows the overwhelming use of ILEC special access to connect to buildings even on

streets where CLEC has installed their own fiber:

Declaration of Helen E. Golding WT Docket No. 07-97 August 31, 2007 Page 33 of 35

Table 9 CLEC use of ILEC special access to serve enterprise customers despite deployment of CLEC-owned fiber					
City	All Locations		Buildings served by SBC		
	Buildings served by SBC Spec. Access	Buildings served by CLEC fiber	Spec. Access on streets with CLEC fiber		
San Francisco (city-wide)	1160	71	658		
San Francisco (financial dist)	718	68	436		
Oakland	181	18	111		
San Diego	95	24	63		
Dallas	124	27	109		

Source: SBC Communications Inc. and AT&T Corp. Application for Approval of Transfer of Control, WC Docket No. 05-65, SBC/AT&T response to the FCC Staff's April 18, 2005 Initial Information and Document Request, item 6.

- 42. Perhaps seeking to avoid these criticisms, in its recent forbearance petitions, Verizon submitted "confidential" maps that were significantly less detailed than the SBC maps (that were available on the public record). Verizon's maps showed CLEC fiber routes throughout the MSA, but contained detail on CLEC "lit buildings" in only a small portion of the MSA.
- 43. Qwest has apparently decided that an even more effective tactic is to ensure that its maps contain no useful information whatsoever. None of Qwest's exhibits contain maps showing CLEC facilities in any detail within the respective MSAs. The "confidential" maps submitted by Qwest (Confidential Exhibit 4 to the Brigham and Teitzel Declarations with respect to each of the four MSAs) consist of small, nearly illegible drawings which it claims show the "coverage"

Declaration of Helen E. Golding

WT Docket No. 07-97 August 31, 2007

Page 34 of 35

of competitive fiber throughout the MSA. The scale of these drawings is so small that they

appear simply as a tangle of lines. It is impossible to identify any particular streets or buildings.

There is no way of telling whether any competitor has a relatively comprehensive network or

whether the lines represent numerous providers, each of which has small fragments of coverage.

44. Qwest's filing also includes cable "coverage" maps. These maps are equally vague and

unsuitable for the purpose Qwest offers them in this proceeding. Leaving aside their complete

lack of geographic detail, the maps were not produced for purposes of showing anything about

cable telephony. They show video service coverage, not necessarily the geographic area where

the cableco's telecommunications offerings are available. Similarly, information noted on the

exhibits with respect to "cable households" (e.g., Brigham/Teitzel Minneapolis Declaration, Exh.

1, p. 1, "Comcast Spotlight, Twin Cities - Coverage Map) clearly refers to video programming

subscribers. With regard to the "coverage" itself, since cable companies have traditionally

obtained their local franchise in exchange for a commitment to build out their systems to serve a

community's residential customers, there is no reason to conclude that cable facilities suitable to

the needs of enterprise customers are even deployed along the streets where they are located, no

less to their specific buildings or customer premises.

Declaration of Helen E. Golding WT Docket No. 07-97

August 31, 2007

Page 35 of 35

Conclusion

45. For all of its statistics, Qwest does not present a coherent overview of market conditions

in Phoenix, Denver, Minneapolis-St. Paul, and Seattle that could provide the basis for the several

competitive findings the Commission must make in order to grant the requested forbearance.

Potential, future, or aspired-to competition is not sufficient, nor is it relevant that Owest may

serve fewer retail lines or derive less revenue from its retail business customers than in past

years. In the final analysis, Qwest's evidence does not show that effective competition has

developed throughout any of the four MSAs for retail or wholesale, mass market or enterprise

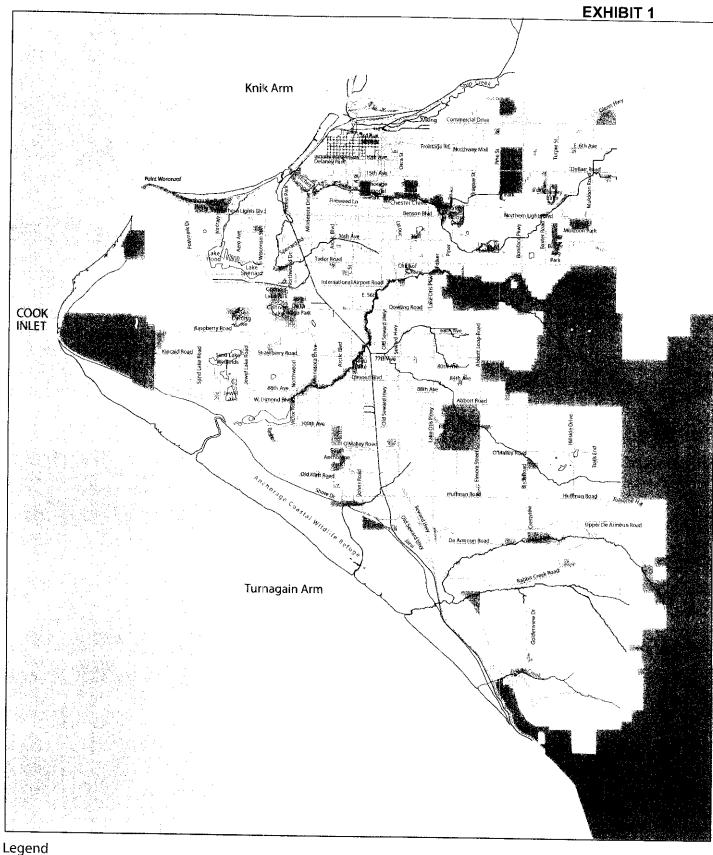
services or even within any one or more specific wire centers within any of these MSAs.

The foregoing statements are true and correct to the best of my knowledge, information and

belief.

Helen E. Golding

# Exhibit 1 Maps of Anchorage Central Business District



Downtown Study Area

Major Water Bodies

Parks and Open Space

Mud Flats

Primary Roads and Highways

----- Railroad

Map prepared by MIG, Inc.

anchorage



anchorage

Parking Structure

ROW/Road

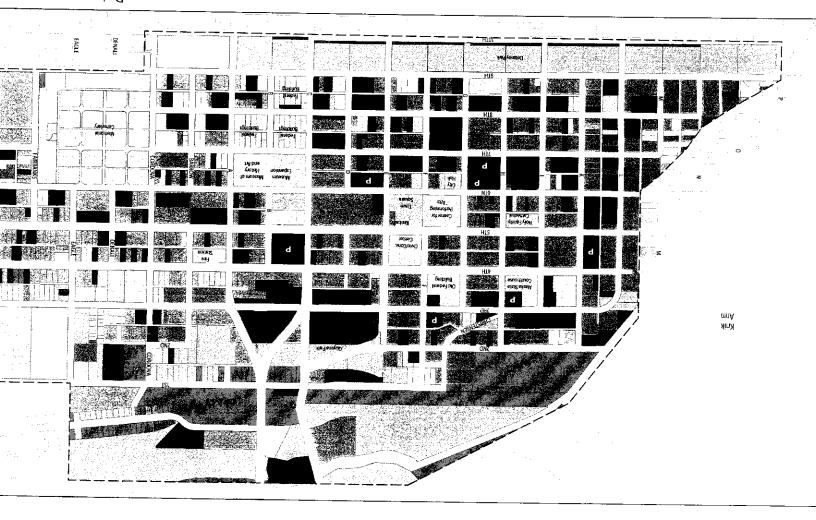
Legend

\_\_\_

.099

512.

Diagram Diagram Existing



#### Statement of Qualifications

## HELEN E. GOLDING

Helen E. Golding, Vice President in ETI's Regulatory Policy Group since 1994, has worked for thirty years in the field of utility regulation and public policy. In the public sector, she has worked at both state and federal regulatory agencies; she also has extensive private sector experience in the areas of telecommunications law, strategic planning, and regulatory policy. In addition to her extensive telecommunications industry experience, Ms. Golding has considerable experience in the public policy and law of the energy industry.

Ms. Golding's most recent work at ETI has concentrated on Canada's comprehensive evaluation of its regulatory frameworks for wholesale and retail telecommunications services, the FCC's evolving policies concerning broadband, Internet-related services, and service providers, including policies on Voice over Internet Protocol services, and matters involving state taxation of telecommunications and information services. During the past several years, she has also focused on economic and public policy issues related to the FCC's Triennial Review Proceeding and TRO Remand, special access competition, and market-based mechanisms for spectrum allocation.

Following the passage of the landmark *Telecommunications Act of 1996*, Ms. Golding directed work at ETI to evaluate the progress of various Bell operating companies (BOCs) toward meeting the standards of Section 271 of the *Act*. She also directed work analyzing the propriety of Ameritech's application for authorization by the Illinois and Michigan public utilities commissions to provide local exchange service through the same separate subsidiary that Ameritech proposed to employ to provide interLATA long distance services. Along with Dr. Lee L. Selwyn, Ms. Golding submitted a comprehensive statement as evidence in the Canadian Radio and Telecommunications Commission's investigation into forbearance from regulation of toll services provided by the Stentor companies, Canada's equivalent of the pre-divestiture Bell System.

Ms. Golding has done extensive work in the area of telecommunications industry mergers, and is the co-author of two affidavits to the FCC addressing the public interest concerns raised by the SBC-Ameritech and GTE-Bell Atlantic mergers, submitted on behalf of a coalition of state consumer advocates. Ms. Golding was also a key participant in ETI's participation in several state proceedings reviewing major ILEC mergers, on behalf of consumer advocates in Maine, Ohio, California and Hawaii.

Ms. Golding has directed or had substantial involvement in multiple projects involving the original specification or subsequent revision of alternative regulation plans, including work for consumer advocates in Colorado, Connecticut, Indiana, Maine, and Massachusetts. Ms. Golding participated in local competition dockets in New York, New Jersey, Massachusetts, and Hawaii, and in various state proceedings focusing on universal service. She also contributed heavily to numerous submissions to the Federal-State Joint Board and FCC in CC Docket 96-45, the Universal Service proceeding, and various phases of the FCC's LEC Price Cap Review



proceedings.

Ms. Golding was Assistant General Counsel of the Massachusetts Department of Public Utilities from November 1988 to September 1992. Ms. Golding managed a staff of hearing officers, who conducted adjudicatory and rulemaking proceedings for all regulated utilities. Her position required case management and policy coordination with the Department's numerous technical divisions (organized by industry sector: telecommunications, electric, gas, water, and transportation). Ms. Golding also served as the Commission's chief legal advisor on matters that spanned the Department's broad utility jurisdiction. In addition to overseeing numerous rate cases for all utilities, these proceedings included the tariffing of new services, design of conservation and load management programs, incentive and competitive rates, licensing, financing, siting and utility management practices.

Immediately prior to joining ETI, Ms. Golding was in the Regulatory Practice Group at Rubin and Rudman, a mid-sized Boston law firm, where she specialized in communications, energy, and municipal law, for clients that included communications and cable companies, municipal electric companies, independent power producers, and public authorities.

Prior to becoming Assistant General Counsel at the DPU, Ms. Golding was Regulatory Counsel and Manager of Telecommunications Public Policy for Honeywell, Inc., providing legal and strategic planning advice concerning rate and regulatory developments affecting the company as a large user of telecommunications service and as a computer manufacturer. In that position, she also provided counsel on tariff and regulatory matters to the company's alarm and customer premises equipment businesses.

Ms. Golding also worked at the Federal Communications Commission, as a General Attorney in the Common Carrier Bureau, Tariff Division, where she was responsible for tariff review and rulemaking proceedings for domestic and international telecommunications services. After interning with the Department of Public Utilities during her final year of law school, Ms. Golding joined the Department's new Telecommunications Division as a Telecommunications Specialist. Among her responsibilities were matters pertaining to the Department's regulation of radio common carriers and coordination with the CATV Commission on rates, terms, and conditions for pole attachments.

Ms. Golding is a graduate of Boston University School of Law (J.D., 1977 and Bryn Mawr College (A.B. cum laude, 1974).

# Publications of Helen E. Golding

The BCM [Benchmark Cost Model] Debate, A Further Discussion, (with Dr. Lee L. Selwyn and Susan M. Baldwin). Prepared for the National Cable Television Association, submitted in FCC CC Docket No. 96-45, May 1996.

The Phone Wars and How to Win Them, (with Susan M. Baldwin). Planning, July 1996 (Volume 62, Number 7).

Interpreting the Telecommunications Act of 1996 Mandate for the Deployment of Advanced Telecommunications Services in a Fiscally Responsible and Fully Informed Manner (with Susan M. Baldwin), Proceedings of the Tenth NARUC Biennial Regulatory Information Conference, Volume 3, September 11-13, 1996

U.S. Regulatory Safeguards: Implications for Canada Evidence submitted in Canadian Radio and Telecommunications Commission docket CRTC 96-26: Forbearance from Regulation of Toll Services Provided by Dominant Carriers, November 22, 1996.

Report on the Southern New England Telephone Company (SNET), (with Patricia D. Kravtin, et al.), prepared for Cablevision Systems Corporation, July 1997.

The "Connecticut Experience" with Telecommunications Competition: A Case in Getting it Wrong, (with Lee L. Selwyn and Susan M. Gately), February 1998.

Affidavit of Susan M. Baldwin and Helen Golding, submitted on behalf of Consumer Groups in FCC Docket CC 98-141, SBC-Ameritech Merger Proceeding, October 15, 1998.

Affidavit of Susan M. Baldwin and Helen Golding, submitted on behalf of Consumer Groups in FCC Docket CC 98-184, Bell Atlantic-GTE Merger Proceeding, December 18, 1998.

Bringing Local Telephone Competition to Massachusetts, (with Lee L. Selwyn) prepared for the Massachusetts Coalition for Competition Telephone Service, January 2000.

Market-based Solutions for Realigning Spectrum Use in the 800 MHz Band, (with Lee L. Selwyn), June 2003.

Competition in Access Markets: Reality or Illusion, (with Lee L. Selwyn and Susan M. Gately) prepared for the Ad Hoc Telecommunications Committee, August 2004.

Confronting Telecom Industry Consolidation: A Regulatory Agenda for Dealing with the Implosion of Competition (with Lee L. Selwyn and Hillary A. Thompson), prepared for the National Association of State Utility Consumer Advocates, April 2005.



# Statement of Qualifications - Helen E. Golding

Intercarrier Compensation in a Diverse Competitive Environment, (with Lee L. Selwyn) prepared for Pac-West Telecomm, Inc. and US LEC Corp., May 2005.

Avoiding the Missteps Made South of the Border: Learning from the US Experience in Competitive Telecommunications Policy (with Lee L. Selwyn), prepared for MTS Allstream Inc., August 2006.

Special Access Overpricing and the US Economy: How Unchecked RBOC Market Power is Costing US Jobs and Impairing US Competitiveness, with Lee L. Selwyn, Susan M. Gately, and Colin B. Weir, prepared for the AdHoc Telecommunications Users Committee, August 2007.

Affinity, Cavalier, CP Telecom Globalcom, McLeodUSA, Integra, TDS WC Docket No. 07-97 August 31, 2007

# **ATTACHMENT 2**

FIRST DECLARATION OF GEOFFREY WILLIAMS, INTEGRA TELECOM, INC.

# Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20054

In the Matter of	)	
	)	
Petitions of Qwest Corporation	)	
for Forbearance Pursuant to 47 U.S.C. § 160(c)	)	WC Docket No. 07-97
in the Denver, Minneapolis-St. Paul, Phoenix and	)	
Seattle Metropolitan Statistical Areas	)	

## FIRST DECLARATION OF GEOFFREY WILLIAMS

- 1. My name is Geoffrey Williams. I am a Product Manager and Developer of Integra Telecom, Inc. ("Integra"). My business address is 1201 Lloyd Blvd, Portland, Oregon, 97232. I joined Integra in October 1995 through the acquisition of Electric Lightwave. I have more than 28 years experience in telecommunications design, development, sales, and operational support. I have factual knowledge relating to the information discussed in this Declaration. The purpose of this Declaration is to describe a recent study conducted by Integra concerning the presence of competitive provider facilities in buildings in which Integra customers are located.
- 2. Integra recently conducted a survey of single and multi-tenant office buildings in several cities in the Qwest region, including Minneapolis, Phoenix, and Seattle to ascertain how many non-ILEC networks are typically physically present at these buildings. Denver was not included because Integra does not provide service there. During June 2007, whenever an Integra technician visited a building for any reason, such as change of service or technical issues, in which an Integra customer was located the technician noted, when it was possible to determine, which providers had a fiber presence to the building. The total buildings surveyed are approx-

imately 1% of all buildings in which Integra has customers, but close to 100% of buildings that technicians visited during the month of June 2007.

- 3. The results of this survey were that in Minneapolis only 4 out of 61 buildings visited were served by competitive fiber; in Phoenix 3 out of 55 buildings were served by competitive fiber; and in Seattle 12 out of 217 buildings had competitive fiber.
- 4. This survey reflects my experience that there are very few commercial buildings in these MSAs that have competitive facilities and that nearly all of the providers at the buildings surveyed are dependent on ILEC facilities to provide their services.
- 5. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Deffrey Williams

Executed August 31, 2007

Affinity, Cavalier, CP Telecom Globalcom, McLeodUSA, Integra, TDS WC Docket No. 07-97 August 31, 2007

# **ATTACHMENT 3**

DECLARATION OF DAVID BENNETT, INTEGRA TELECOM, INC.

# Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20054

In the Matter of	)	
	)	
Petitions of Qwest Corporation	)	
for Forbearance Pursuant to 47 U.S.C. § 160(c)	)	WC Docket No. 07-97
in the Denver, Minneapolis-St. Paul, Phoenix and	í	
Seattle Metropolitan Statistical Areas	)	

## **DECLARATION OF DAVID BENNETT**

- 1. My name is David Bennett. and I am Senior Vice President of Engineering and Corporate operations of Integra Telecom, Inc. ("Integra"). My business address is 1201 NE Lloyd Blvd., Suite 500, Portland, Oregon 97232. I joined Integra in 1999 and I have more than 38 years of experience in telecommunications, engineering and operations. I have factual knowledge relating to the information discussed in this Declaration. The purpose of this Declaration is to demonstrate the lack of alternatives to BOC facilities to the vast majority of end user customer locations.
- 2. It is Integra's policy to rely on its own telecommunications network facilities for provision of service wherever possible. In a very few instances Integra has its own fiber loops extending to customer premises. Integra has either built its facilities or acquired them from other carriers.
- 3. It is my experience that it is never economically feasible for Integra to build loops at the DS0, DS1, or DS3 capacity level to customer premises because the revenue will, in all but a few rare exceptions, not be adequate to recoup the investment costs and provide a return on investment. Difficulty in obtaining the necessary rights-of-way or building access in a timely manner to accomplish the construction of the direct connection typically creates a barrier to self-